



PRESENT:

Mr. Daniel A. Gecker, Chairman
Mr. Sherman W. Litton, Vice-Chairman
Mr. Jack R. Wilson, III
Mr. Russell J. Gulley
Mr. F. Wayne Bass
Mr. Thomas E. Jacobson, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Kirkland A. Turner, Development Manager,
Community Development
Mr. William D. Poole, Assistant Director,
Development Review, Planning Department
Mr. Glenn E. Larson, Assistant Director, Plans and Information
Branch, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Senior Planner, Zoning and
Special Projects, Planning Department
Mr. Fred Moore, Planner, Zoning and
Special Projects, Planning Department
Mr. J. Michael Janosik, Zoning Administrator,
Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review, Planning Department

Mr. Doug Mawby, Senior Planner, Development
Review, Planning Department
Mr. Zachary L. Robbins, Planner, Development
Review, Planning Department
Mr. David A. Hainley, Planning Administrator,
Development Review, Planning Department
Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department
Mr. Steven F. Haasch, Planner, Advance Planning and
Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Secretary, Administrative
Branch, Planning Department
Ms. Deanna D. Harkabus, Secretary, Administrative
Branch, Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Ms. Rebecca T. Dickson, Director,
Budget and Management Department
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. James R. Banks, Assistant Director,
Transportation Department
Mr. Stan B. Newcomb, Principal Engineer,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Ms. Joan Salvati, Water Quality Administrator,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Ms. Jennifer Wampler, Planner, Parks Maintenance Division,
Parks and Recreation Department
Battalion Chief R. Michael Hatton, Acting Deputy Chief,
Support Services, Fire Department
Ms. Cynthia Owens-Bailey, Director of Planning,
School Administration
Mr. Skip Stanley, Manager, Residential Services,
(Mental Retardation), MH/MR/SA Services

WORK SESSION

At approximately 12:00 p. m., Messrs. Gecker, Litton, Wilson, Gulley, Bass and staff met in the Executive Session Meeting Room, Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. **Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. **Review Day's Agenda.**
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- C. **Plans and Information Section Update.**
- D. **Work Program – Review and Update.**
- E. **Consideration of the following Administrative Substantial Accord Determination:**

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
04PD0316 Matoaca	Chesterfield County Public Schools	Substantial Accord Determination	Matoaca Middle School Annex

- F. **Discussion Relative to:**
 - ◆ **Overview of Cash Proffer Policy.**
 - ◆ **Housing Element in Comprehensive Plan.**
 - ◆ **Review of Commercial Development Light Fixture Color Standards.**
 - ◆ **Update on Public Notification of Pending Planning and Development Proposals.**
- G. **Deferred Item:**
 - ◆ **Fire Emergency Access Policy.**

Mr. Ryan Ramsey, a student at Virginia Polytechnic Institute and State University, and Ms. Elizabeth Ebanks, a student at the University of Richmond School of Law, working as interns in the Planning Department and County Attorneys' Office, respectively, were introduced by staff.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

Mr. Bass requested a new Item H., Discussion of a Potential Recall of Case 04PD0188, First Choice Public-Private Partners In Partnership With Chesterfield Public Schools, be added to the agenda.

Mr. Litton requested that a new Item I., Discussion of the Chesterfield Blue Ribbon Committee's report (Strategic Recommendations for Chesterfield County 2004-2005) be added to the agenda.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission amended the agenda to add a new Item H., Discussion of a Potential Recall of Case 04PD0188, First Choice Public-Private Partners In Partnership With Chesterfield Public Schools and a new Item I., Discussion of the Chesterfield Blue Ribbon Committee's report (Strategic Recommendations for Chesterfield County 2004-2005), for discussion and reordered the agenda accordingly.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

B. REVIEW DAY'S AGENDA.

Messrs. Allen and Hainley updated the Commission as to the status of, and staff's recommendation for, the requests to be considered during the Afternoon Session.

Mr. Rogers updated the Commission as to the status of, and staff's recommendation for, the upcoming caseloads and zoning requests, as well as a proposed Code Amendment relating to Lighting Standards for Non-residential Uses in Agricultural (A) and Residential (R) Districts to be considered during the Evening Session.

Mr. Poole updated the Commission as to the status of, and staff's recommendation for, proposed Miscellaneous Ordinance Amendments to be considered during the Evening Session.

C. ADVANCE PLANNING AND RESEARCH BRANCH PROJECTS UPDATE.

Ms. Fassett updated the Commission as to the status of ongoing and future meetings for pending projects, including the Upper Swift Creek Plan, the Chester Village Plan, and the Northern Area Plan amendments.

D. WORK PROGRAM.

Upon conclusion of discussion relative to the Commission's Work Program, it was the consensus of the Commission to adopt their June 2004 Work Program, as outlined by Mr. Jacobson.

E. CONSIDERATION OF THE FOLLOWING ADMINISTRATIVE SUBSTANTIAL ACCORD DETERMINATION.

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
04PD0316 Matoaca	Chesterfield County Public Schools	Substantial Accord Determination	Matoaca Middle School Annex

Staff indicated the applicant had requested deferral to the June 15, 2004, Planning Commission meeting.

There was no opposition to the deferral.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to defer Case 04PD0316, Chesterfield County Public Schools (Matoaca Middle School Annex), to the June 15, 2004, Planning Commission meeting.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

F. DISCUSSION RELATIVE TO:

◆ **OVERVIEW OF CASH PROFFER POLICY.**

Ms. Becky Dickson presented an overview of the current Cash Proffer Policy and answered questions relative to the County's practice of not allowing credits for agriculturally-zoned properties, noting she would convey the Commission's concerns to the Board of Supervisors.

◆ **HOUSING ELEMENT IN COMPREHENSIVE PLAN.**

Ms. Fassett and Mr. Haasch presented a computer-generated overview of the Housing Element in the Comprehensive Plan.

There was discussion relative to the community benefits of a housing element; the goal definition and focus inclusionary zoning; development fees, special consideration in growth management initiatives, higher density housing; land purchase and resale; housing rehabilitation; tax credit housing; group home location; quality of life programs; new urbanism affordable housing; and other issues.

Upon conclusion of the discussion, it was on motion of Mr. Gulley, seconded by Mr. Bass, that the Commission resolved to establish a Housing Committee to study the matter and appointed Messrs. Dan Gecker and Jack Wilson to represent the Commission on the Committee.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

Further, the Commission requested that staff provide a list of potential nominees wishing to be considered for appointment to the Housing Committee.

◆ **REVIEW OF COMMERCIAL DEVELOPMENT LIGHT FIXTURE COLOR STANDARDS.**

In response to a request from the Commission, Mr. Mawby presented an overview of information researched on the subject of regulating the appearance of light fixtures used for exterior site lighting.

◆ **UPDATE ON PUBLIC NOTIFICATION OF PENDING PLANNING AND DEVELOPMENT PROPOSALS.**

Mr. Larson updated the Commission as to the status of the public notification of pending planning and development proposals project, describing staff's efforts to contact public groups in the County about how they could access public notices and other information pertaining to pending planning and development proposals reviewed by the Board of Supervisors, Planning Commission and Board of Zoning Appeals. He referenced the Planning Department's updated Public Group Notification List; pointed out the various

contact methods available to the public for accessing the information; and asked the Commission to provide staff with information on any additional public groups they wished to add to the list.

G. DEFERRED ITEM.

◆ **FIRE EMERGENCY ACCESS POLICY.**

Mr. Turner updated the Commission as to the status of the Fire Emergency Access Policy, noting an amendment to include a tiered funding schedule for maintenance and a requirement that any such accesses be located on a right of way dedicated to the County. He stated staff continued to be of the opinion that emergency accesses had the potential to lead to more problems than they solved, were not in the best interest of the County and, therefore, recommended the policy not be adopted.

There was discussion relative to staff's recommendation that the Commission consider not adopting the policy; concerns about the expense of maintaining the accesses over time and about the liability to the County or County staff resulting from unauthorized activity on the easement; the advantages and/or disadvantages of emergency access roads versus second public road accesses; and other issues of concern.

In response to questions from the Commission, Fire Marshal Mike Hatton stated the Fire Department's current policy was support of second public road accesses.

Upon conclusion of the discussion, it was on motion of Mr. Gulley, seconded by Mr. Wilson, that the Commission resolved to recommend approval of the following Fire Emergency Access Policy:

SUBDIVISION, CONDOMINIUM AND MULTIFAMILY EMERGENCY ACCESS POLICY /
REQUIREMENTS/ STANDARDS

Emergency Access Policy

I. General

It is the County's intent to only permit an emergency access where relief has been granted to the second access as required by the Subdivision or Zoning Ordinance or the property has conditions of zoning that require the construction of an emergency access. The approval of the location, phasing and standards for an emergency access shall be established through the tentative subdivision or site plan approval process as applicable.

Emergency accesses shall be designed and installed in accordance with VDOT Subdivision Street pavement depth requirements for Chesterfield County. The typical pavement section of the emergency access shall match that of the adjacent local street.

The section notes the applicable requirements based upon the type of development.

II. Emergency Access Requirements (Subdivision and Condominium Developments)

a. The subdivider for any subdivision containing or requiring an emergency access shall meet the following requirements:

i. The subdivider shall submit construction plans to the County for approval for the access in association with the construction plans for the lots that establish the need for the access. The construction plans shall include unit quantities for drainage, crushed aggregate base, paving, Knox box and lock, or approved equal, and gate(s). The access shall be constructed in association with those lots. The final check and record plat shall note that no occupancy permits will be issued until the emergency access is completed.

ii. When the record plat is submitted, the subdivider shall provide the County with maintenance funds per the following schedule based upon the length of the emergency access:

0'- 200' - \$55,000

Greater than 200' and up to 700' - \$85,000

Above 700' - \$85,000 plus \$120/each additional foot in excess of 700'

iii. The record plat shall grant the County a fifty (50) foot right of way to contain the emergency access elements.

b. The developer for any condominium development containing or requiring an emergency access shall meet the following requirements:

i. The developer shall submit construction plans to the County for approval for the access in association with the site plan submittal for the units that establish the need for the access. The construction plans shall include unit quantities for drainage, crushed aggregate base, paving, Knox box and lock, or approved equal, and gate(s). The access shall be constructed in association with those units. The site plan shall note that the Fire Department will not approve any occupancy permits for the units that established the need for the access until the emergency access is completed.

ii. When the developer requests the first occupancy permit for the affected units, the developer shall provide the County with maintenance funds per the following schedule based upon the length of the emergency access

0'- 200' - \$55,000

Greater than 200' and up to 700' - \$85,000

Above 700' - \$85,000 plus \$120/each additional foot in excess of 700'

iii. The developer shall record a plat depicting and granting an easement to the County for access and maintenance of sufficient width to contain the emergency access elements.

III. Emergency Access Standards (Subdivisions, Condominium and Multifamily Developments)

A. Location

The subdivision/site plan shall isolate the emergency access to limit its desirability as an overflow parking area. Specifically the emergency access path shall not serve as sole access to any lots, units, amenities facility, and service area/ facility or parking area. The access path shall be defined as the travel path between the two points where the access connects to a street, accessway or common area through which access to lots or units is provided.

B. Design

1. The emergency access shall have a pavement width of twelve (12) feet with possible pavement width extensions to facilitate two-way traffic on long accesses or curves as determined by the Fire Department, based upon the alignment and topography. An additional area clear of woody vegetation three (3) feet beyond the edge of pavement shall be provided.

2. The area above the pavement shall have a vertical clearance of a minimum of thirteen (13) feet six (6) inches.

3. The access shall have a maximum grade of ten (10) percent with appropriate transitions, as determined by the Fire Department, to all connecting streets, accessway or common areas.

4. The minimum outside turning radius for any curve shall be forty-two (42) feet.

5. Any emergency access that crosses a drainage way shall be designed to accommodate a minimum ten (10) year storm and conform to requirements of the Environmental Engineering Reference Manual.

6. A paved pedestrian pathway of not less than three (3) feet in width shall bypass one side of the gate(s). This pathway shall be located in the required clear area beyond the limits of the actual emergency access but shall be contained within the required easement.

C. Pavement

The pavement shall be designed and constructed to VDOT subdivision street requirements based upon the design requirement for local subdivision streets in Chesterfield County. A set of construction plans for the design of the emergency access shall be submitted in the standard submittal package to be routed to the Fire Department for approval.

D. Gates

Accesses shorter than fifteen (15) feet shall be gated at the mid point. Any access longer than fifteen (15) feet shall be gated at both ends immediately adjacent to the rights of way unless there is a privately maintained sidewalk located outside the right of way, in which case the gate shall be located beyond the walk. The access gate shall consist of two (2) panels eight (8) foot wide by three (3) foot tall constructed of painted two (2) inch tubular steel. The gate panels shall be painted with two coats of enamel paint matching PMS 186 red and shall have one (1) inch wide by twelve (12) inch long white reflective strips on both sides of the exterior and interior of the middle vertical member. The gates shall swing on not less than two pivot pins. The gates shall be supported by a steel post of a size and with a foundation capable of supporting the individual gate panel with a two hundred pound weight at the opposite end. The bottom of the gate shall be twelve (12) inches above the pavement. The post shall be filled with concrete. The post shall conform to the gate paint specifications. The gate panels shall be designed, fabricated and installed to remain open after the closure chain is undone.

E. Gate Lock

The subdivider/developer shall furnish a welded link steel chain and a padlock as manufactured by Knox Company or approved equal to secure the gate panels.

F. Construction Plans

1. All applicable subdivision plan view and profile sheets with road and drainage construction plans or site construction plans shall show the location of the emergency access. The subdivider/developer shall secure any necessary VDOT permits and the access shall meet the visibility requirements for streets.

If the location of the emergency access on construction plans is different from the approved tentative subdivision plat, the tentative subdivision plat shall be resubmitted as an adjusted tentative for approval. The review of the proposed alternate location may result in the case being referred to the Planning Commission for approval.

2. A typical cross section for the emergency access and the design for the emergency access (i.e. type of material, pavement width and depth, adjacent parallel drainage ditches if applicable and easement limits, etc.) shall be shown to scale on the construction plans.

3. Alternative design and construction standards for elective accesses shall be approved by the Directors of Planning and Transportation and the Chief of the Fire Department or the Planning Commission at the time of tentative or site plan approval based upon the length of the access and the proposed length of time the access must remain in place. The installation of an elective access does not relieve the subdivider/developer of the payment to County as identified in II above.

IV. Inspection and Acceptance (Subdivision and Condominium Developments)

1. The Environmental Engineering and Fire Departments shall be responsible for inspecting emergency accesses and providing a punch list (if necessary) to the subdivider at the time of road inspection for VDOT acceptance for the subdivision section in which the access is located or that necessitates the need for the access as applicable or upon receipt of a written request to inspect the access from the condominium developer.
2. The subdivider/developer shall furnish the Fire Department with a geotechnical engineer's report verifying the access has been constructed to the approved design at least thirty (30) days prior to requesting County acceptance.
3. Prior to requesting the County to assume maintenance of the access, the subdivider/developer shall have granted and the County shall have accepted and recorded the required plat and/or easement and provided the County with the required maintenance funds.

V. Maintenance (Subdivision and Condominium Developments)

- A. Maintenance of the emergency access pavement and associated gates and/or other types of facilities and any actions needed to prevent non-emergency vehicular movement on this road shall be the responsibility of the County.
- B. Emergency access location(s), construction requirements and maintenance responsibility shall be shown on the tentative, final check and record plats and site or construction plans as applicable.

VI. Applicability

These procedures shall apply to any tentative subdivision or ~~condominium~~ site plan that receives approval after (INSERT DATE). Any project that was required to provide an emergency access before that date continues to have the obligations previously required. Any subdivider/developer having a previous obligation to provide emergency access may, at their discretion, apply through the tentative subdivision or site plan process to have existing conditions modified to conform to the requirements of this Policy.

Adopted (INSERT DATE)

AYES: Messrs. Gecker, Wilson and Gulley.
NAY: Mr. Bass.
ABSTENTION: Mr. Litton.

H. DISCUSSION OF A POTENTIAL RECALL OF CASE 04PD0188, FIRST CHOICE PUBLIC-PRIVATE PARTNERS IN PARTNERSHIP WITH CHESTERFIELD PUBLIC SCHOOLS.

Mr. Jacobson disclosed that his wife was employed at Millwood School; declared a potential conflict of interest pursuant to the Virginia Conflict of Interest Act; appointed Ms. Beverly Rogers as temporary Secretary to the Commission; and excused himself from the meeting at approximately 2:35 p. m.

Mr. Bass stated he requested recall of Case 04PD0188 be added to the agenda so that one portion of the Plan involving the construction of roads around the school could be readdressed. He explained that the residents of Foxcroft Subdivision were concerned with the portion of the Thoroughfare Plan to extend Foxclub Parkway to Hull Street Road; that the residents were asking only that the Plan be modified so Foxclub Parkway did not become a thoroughfare to Route 360; that area residents felt they did not receive fair notice of the public hearings that occurred last year; and that he did not feel the residents should have this burden on them.

Mr. Bass made a motion that the Planning Commission initiate an application to set a public hearing to amend Substantial Accord Determination Case 04PD0188, First Choice Public-Private Partners in Partnership with Chesterfield Public Schools, to consider the extension of Foxclub Parkway to Hull Street Road (Route 360).

In response to questions from the Commission, Mr. Banks addressed transportation concerns relative to potential delay of construction of the proposed road if the request were recalled; the definition of "arterial" and "collector" road and the volume of traffic each type road would accommodate; the current level of service on various area roads; and other concerns.

Mr. Gecker stated, as a matter of policy, he did not envision the Commission recalling a Substantial Accord that had already been approved at the Board of Supervisors' level and potentially incurring unknown expenses to the County. He stated he felt the belief that people did not have a full and fair opportunity at the public hearings was wrong; that the majority of individuals speaking at the public hearings represented Foxcroft Subdivision and spoke in favor of the request, notwithstanding the traffic impact.

Mr. Bass stated area residents did not deny they spoke in favor of the request; however, they had no idea Foxclub Parkway would be extended to Hull Street Road (Route 360).

Mr. Gecker reiterated that he felt, recalling the case, given the extensive amount of public input and discussion, was inappropriate; that the County had acted in alliance with First Choice-Private Partners and was financially obligated to an ongoing project; that he felt action by the Commission to recall the request could potentially adversely impact the cost of the project at this time; that the Commission would not be good stewards of the trust the County imparted to them if they were to take such action; and that recalling the request was a Board decision.

Mr. Gulley seconded Mr. Bass's motion.

AYES: Messrs. Gulley and Bass.
NAYS: Messrs. Gecker, Litton and Wilson.

Mr. Jacobson returned at approximately 3:01 p. m.

Due to time constraints, the Commission recessed the Work Session at approximately 3:01 p. m., agreeing to reconvene upon conclusion of the Afternoon Session.

3:00 P. M. AFTERNOON SESSION

Mr. Gecker, Chairman, called the Afternoon Session to order at approximately 3:03 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

On motion of Mr. Litton, seconded by Mr. Bass, the Commission deferred approval of the April 20, 2004, Planning Commission minutes to the 7:00 p. m. Evening Session.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ DEFERRAL BY APPLICANT.

04PR0322: In Bermuda Magisterial District, **THE NRP GROUP, L.L.C.** requested deferral to June 15, 2004, of consideration for Planning Commission approval of, as part of the site plan review, removal of trees in the buffer area. This development is commonly known as **GRAND OAKS APARTMENTS - PHASE II**. This request lies in a Multifamily Residential (R-MF) District on 27 acres fronting the north line of West Hundred Road approximately 230 feet west of Womack Road, approximately 200 feet west of West Hundred Road. Tax IDs 785-653-5567, 7929 and 9019; 785-654-Part of 5817; 785-654-7621; 786-653-0382; and 786-654-0329 (Sheet 26).

No one came forward to represent the request.

Mr. Allen indicated the applicant's representative had submitted written documentation requesting deferral of Case 04PR0322 to the June 15, 2004, Planning Commission meeting.

There was no opposition present to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 04PR0322, NRP Group, L.L.C (Grand Oaks Apartments – Phase II), to the June 15, 2004, Planning Commission meeting.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONER.**

04TW0293: In Bermuda Magisterial District, **KEVIN J. HUGHES** requested Planning Commission approval of a development standards waiver to Section 19-510(a)(1) to permit a boat to be parked in the front yard rather than the required rear yard area. This development is commonly known as **MILLSIDE**. This request lies in a MH-2 Manufactured or Mobile Home Subdivision District on a .191 acre parcel located at 17000 Lansmill Drive. Tax ID 801-630-6330 (Sheet 41).

Mr. Wilson stated he wished to defer Case 04TW0293, Kevin J. Hughes, to the June 15, 2004, Planning Commission meeting to explore other options.

Mr. Kevin Hughes, the applicant, indicated deferral by the Commission, on their own motion, was acceptable.

There was no opposition present to the deferral.

The following motion was made at Mr. Wilson's request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 04TW0293, Kevin J. Hughes (Millside), to the June 15, 2004, Planning Commission meeting.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

04PR0245: In Clover Hill Magisterial District, **BILL NEFF ENTERPRISES** requested Planning Commission approval of a landscape plan and architecture, as required by zoning Case 89SN0150. This project is commonly known as **WATERFORD SOCIAL SECURITY BUILDING**. This request lies in a Light Industrial (I-1) District on two (2) parcels located in the southeast corner of Charter Colony Parkway and Waterford Lake Drive. Tax IDs 729-689-Part of 6719 and 729-689-7100 (Sheet 9).

~~Mr.~~ **Ms.** Lugay Lanier, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved that approval of a landscape plan and architecture, as required by zoning Case 89SN0150, for Case 04PR0245, Bill Neff Enterprises (Waterford Social Security Building), shall be and it thereby was granted, subject to the following condition and review comments:

CONDITION

Plans shall be revised and submitted for administrative review that address the following Review Comments. (P)

REVIEW COMMENTS

1. Revise architectural elevations to show EIFS colors to match colors used on the shopping center building. (P)
2. Revise the pilasters to project a minimum of eight (8) inches from the building. (P)
3. Revise the landscape plan by relocating several of the proposed small deciduous trees and evergreen trees from the front yard setback to the side yard adjacent to the existing concrete pond on parcel 729-689-6719. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04PR0331: In Clover Hill Magisterial District, **13800 HULL STREET ASSOCIATES, LLC** requested Planning Commission approval of a site plan, as required by zoning Case 03SN0243. This project is commonly known as **BANK OF RICHMOND, PHASE 2**. This request lies in Corporate Office (O-2) and Neighborhood Business (C-2) Districts on part of two (2) parcels lying on the north line of Hull Street Road, west of Harbour View Court. Tax IDs 727-673-Part of 1442 and Part of 5220 (Sheet 15).

Ms. Michelle Carter, the applicant's representative, accepted staff's recommendation.

In response to a question from Mr. Gulley, staff addressed concerns relative to Review Comment 13 pertaining to payment of the Upper Swift Creek pro rata fee.

Mr. Gulley expressed concerns relative to Review Comment 13, noting he felt the structure was unfair and indicating he would address his concerns at a later date.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved that approval of a site plan, as required by zoning Case 03SN0243, for Case 04PR0331, 13800 Hull Street Associates, LLC (Bank of Richmond, Phase 2), shall be and it thereby was granted, subject to the following condition and review comments:

CONDITION

Prior to final administrative site plan approval, the following site plan review comments shall be satisfactorily addressed.

REVIEW COMMENTS

1. Show the County Project Number 04-0143 on the lower right hand corner of each sheet. (U)

2. Show manhole numbers for all the existing manholes. For manhole #4, show the proposed manhole top proposed under County Project Number 02-0356. (U)
3. Show all of the existing sewer line easement on the plan. (U)
4. Show the existing sewer lateral for CVS at manhole #4. (U)
5. It is the responsibility of the applicant to comply with and/or acquire all applicable federal and/or state permits in relationship to environmental features including but not limited to "wetlands, surface waters (e.g. VPDES permit for construction sites of one (1) acre or more, ground water and air quality". Final approval of these plans will not relieve you of your responsibility. Wetlands documentation must be received by this department prior to issuance of the land disturbance permit. (EE)
6. The access road on the Phase 2 plans does not match the access road on the Phase 1 plans in the vicinity of the Bank of Richmond/CVS property line. Clarify (this condition). (EE)
7. Delineate the drainage area for Structure 2. (EE)
8. Provide drop inlet calculations for Structure 2 on standard VDOT calculation sheets. (EE)
9. All existing and proposed drainage easements must be shown. Address for Structures 1 and 2. (EE)
10. The construction entrance must be graphically shown on the plans and constructed as wide as the proposed permanent entrance. (EE)
11. A minimum ten (10) foot break must be provided in the low area of the silt fence. The break must be backfilled with stone to within one (1) foot of the top of the silt fence to serve as an overflow. A detail must be shown. (EE)
12. Specify the amount of new impervious area on sheet C2. (EE)
13. The Upper Swift Creek pro rata fee must be paid. This fee will be calculated once the above information has been provided. (EE)
14. Prior to issuance of a land disturbance permit, a diskette/cd, the format of which shall be Autocad.dwg or dxf, must be submitted to Virginia Barbour of Environmental Engineering. The diskette/cd must contain the following, each in a separate layer:
 - a. Final grading contour lines (five (5) foot intervals);
 - b. All impervious area (parking lots, driveways, roads, etc); and
 - c. The storm sewer system.A layer report printed from Autocad must be submitted with the diskette/cd. Both the diskette/cd and the report must be labeled with the site plan name, site plan number,

and the engineering firm. All Autocad files must be referenced directly to the Virginia State Plane Coordinate System, South Zone, in the NAD83 datum. (EE)

15. A land disturbance permit is required for this project and the following are required prior to its issuance: (EE)
 - a. Substantial or full site plan approval
 - b. Issuance of the Bank of Richmond phase 1 land disturbance permit
 - c. Payment of the upper swift creek pro rata fee
 - d. A letter must be received from a qualified wetlands expert stating:
 1. There are no wetlands impacted on this project, or
 2. All applicable federal and state wetland permits have been acquired (copies of the permits must be submitted)
16. The parent property Tax ID must be corrected. The correct Tax IDs are: 727-673-1442 and 727-673-5220. (EE)
17. Put the Chesterfield County site plan number (04PR0331) in the lower right corner of each sheet. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04PS0312: In Midlothian Magisterial District, **RITE AID OF VIRGINIA** requested Planning Commission approval of an amendment to an approved sign package to allow the use of the current sign regulations. This project is commonly known as **BELGRADE RITE AID**. This request lies in a Corporate Office (O-2) District on a 1.7 acre parcel lying in the northeast corner of the intersection of Polo Place and Polo Parkway and better known as 3120 Polo Parkway. Tax ID 741-716-8414 (Sheet 2).

Mr. Jeff Hanson, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved that approval of an amendment to an approved sign package to allow the use of current Sign Ordinance regulations for Case 04PS0312, Rite-Aid of Virginia (Belgrade – Rite Aid), shall be and it thereby was granted, subject to the following condition:

CONDITION

All signs shall be regulated by the current Zoning Ordinance, as permitted by conditions of zoning. Building mounted signs must consist of channel letters, as used within the rest of the Belgrade Development. A freestanding sign will be permitted to identify this outparcel. The freestanding sign must be designed similar to the freestanding sign design used throughout the shopping center, as shown on the attached photograph.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

D. FIELD TRIP AND DINNER.

♦ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego Field Trip Agenda to visit requests sites.

♦ **DINNER LOCATION.**

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to meet for dinner at John Howlett's Tavern at 5:00 p. m.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

At approximately 3:12 p. m., the Commission recessed the Afternoon Session and reconvened in the Executive Session Meeting Room at 3:15 p. m. to continue the Work Session.

WORK SESSION (continued)

I. DISCUSSION OF THE CHESTERFIELD BLUE RIBBON COMMITTEE'S REPORT (STRATEGIC RECOMMENDATIONS FOR CHESTERFIELD COUNTY 2004-2005).

Upon conclusion of discussion, the Commission agreed that Messrs. Litton and Jacobson would meet to discuss the report and the Commission's opinions and input.

ADJOURNMENT.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission adjourned the Work Session at approximately 3:25 p. m., agreeing to meet at John Howlett's Tavern for dinner at 5:00 p. m.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

At approximately 7:01 p. m., Mr. Litton, Vice Chairman, called the Evening Session to order, noting Mr. Gecker would not be present.

A. INVOCATION.

Mr. Wilson presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Clay led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Jacobson apprised the Commission of the agenda for the next two (2) months. He stated that the June 15, 2004, agenda was comprised of twelve (12) cases; the July 20, 2004 agenda was comprised of fifteen (15) cases; and the August 17, 2004, agenda had a total of ten (10) cases.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

Mr. Jacobson stated the first order of business would be consideration of the April 20, 2004, Planning Commission minutes, which item was deferred from the 3:00 p. m. Afternoon Session.

◆ APPROVAL OF PLANNING COMMISSION MINUTES.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission approved the April 20, 2004, Planning Commission minutes, with the following correction:

Page 7, paragraph 7:

"Upon further discussion about the exact language of review comment fifty-three (53), it was On motion of Mr. Gulley, seconded by Mr. Litton, **that** the Commission resolved that approval of a site plan, as required by zoning Case 03SN0243, for Case 04PR0262, Bank of Richmond (Bank of Richmond), shall be and it thereby was granted, subject to the following condition and review comments:"

AYES: Messrs. Litton, Wilson, Gulley and Bass.
ABSENT: Mr. Gecker.

E. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ REQUESTS FOR DEFERRAL BY APPLICANTS.

03SN0332: In Matoaca Magisterial District, **FAIRWEATHER INVESTMENTS, LLC** requested deferral to June 15, 2004, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Conservation Subdivision Residential (R-C) with Conditional Use to permit recreational facilities. Residential use of up to 1.82 units per acre is permitted in a Conservation Subdivision Residential (R-C) District. The Comprehensive Plan suggests the property is appropriate for residential use with 1-5 acre lots suited to Residential (R-88) zoning. This request lies on 1,430 acres fronting approximately 11,600 feet on the east line of Nash Road across from Reedy Branch Road, also fronting in three (3) places for 7,050 feet on the west line of Cattail Road across from Reedy Branch and Rowlett Roads. Tax ID 759-636-6377 (Sheets 33 and 40).

Mr. John Cogbill, the applicant's representative, requested deferral to the June 15, 2004, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 03SN0332 to the June 15, 2004, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley and Bass.
ABSENT: Mr. Gecker.

Mr. Jacobson advised the Commission that deferral of Case 04SN0232, Douglas Sowers, to the July 20, 2004, agenda would raise the caseload to sixteen (16), thereby exceeding the caseload limit set forth in the Commission's By-Laws. He stated suspension of the By-Laws would be necessary to increase the caseload to accommodate sixteen (16) cases on the July 20th agenda.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to amend the By-Laws to accommodate sixteen (16) cases for the July 20, 2004, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley and Bass.
ABSENT: Mr. Gecker.

04SN0232: In Matoaca Magisterial District, **DOUGLAS SOWERS** requested deferral to July 20, 2004, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 242.3 acres fronting approximately 4,000 feet on the west line of Otterdale Road, approximately 1,500 feet south of Old Hundred Road. Tax ID 714-694-7687 (Sheet 9).

Mr. Harley Joseph, the applicant's representative, requested deferral to the July 20, 2004, Planning Commission public hearing.

There was no opposition to the request for deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to defer Case 04SN0232 to the July 20, 2004, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley and Bass.
ABSENT: Mr. Gecker.

04SN0224: In Matoaca Magisterial District, **DOUGLAS R. SOWERS AND SUSAN S. SOWERS** requested deferral to August 17, 2004, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family

residential use of 2.0 units per acre or less. This request lies on 146 acres fronting approximately 750 feet on the east line of Lacy Farm Road, approximately 270 feet north of Ahern Road. Tax IDs 695-695-3122, 695-697-8107 and 696-695-7571 (Sheet 8).

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, requested deferral to the August 17, 2004, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 04SN0224 to the August 17, 2004, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley and Bass.

ABSENT: Mr. Gecker.

♦ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

04SN0223: In Bermuda Magisterial District, **RANDOLPH V. ARTIS** requested Conditional Use and amendment of zoning district map to permit a family daycare home in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 units per acre. This request lies on 4.7 acres and is known as 13710 Harrowgate Road. Tax ID 790-644-9659 (Sheet 34).

Mr. Randolph Artis, the applicant, accepted staff's recommendation.

There was opposition present; therefore, it was the consensus of the Commission to place Case 04SN0223 with those cases requiring discussion.

04SN0234: In Matoaca Magisterial District, **360 CAPTIAL PARTNERSHIP** requested rezoning and amendment of zoning district map from Agricultural (A) to Regional Business (C-4). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light commercial use. This request lies on 1.0 acre fronting approximately 200 feet on the south line of Hull Street Road, approximately 870 feet east of Lonas Parkway. Tax ID 738-681-3505 (Sheet 16).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 04SN0234 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Public water and wastewater shall be used. (U)
2. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
3. There shall be no direct access from the property to Route 360. (T)
4. To provide an adequate roadway system at the time of complete development, the developer shall be responsible for the construction of an additional lane of pavement along the entire property frontage on Route 360. The exact length of this improvement shall be approved by the Transportation Department. (T)
5. Light poles shall have a maximum height of twenty (20) feet within the required building setback along Route 360 and shall not exceed a height of twenty-five (25) feet on the remainder of the property. (P)
6. The developer shall be responsible for notifying the last known representative of Glen Tara Subdivision, Brandermill Community Association and the 360 West Corridor Committee of the submission of any site plan submission. Such notification shall occur at least twenty-one (21) days prior to the approval of such plans. The developer shall provide the Planning Department with a copy of the notice. (P)

AYES: Messrs. Litton, Wilson, Gulley and Bass.

ABSENT Mr. Gecker.

04SN0242: In Clover Hill Magisterial District, **LUDOLF SIEMENS** requested Conditional Use and amendment of zoning district map to permit a private school. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for low density residential use of 1.5 units per acre or less. This request lies in an Agricultural (A) District on 4.7 acres and is known as 120 North Courthouse Road. Tax ID 743-704-7406 (Sheet 6).

Mr. Ludolf Siemens, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 04SN0242, subject to the following conditions and acceptance of the following proffered conditions, including the Addendum:

CONDITIONS

1. Except where the requirements of the underlying Agricultural (A) zoning are more restrictive, the existing school facility shall be upgraded to conform to the design requirements of the Zoning Ordinance for Corporate Office (O-2) uses in Emerging Growth Areas. A schedule for the implementation of these improvements shall be submitted to the Planning Department for review and approval within thirty (30) days of the approval of this request. This condition shall not preclude the ability to seek an exception to the curb and gutter requirements for parking and driveways through the Development Standards Waiver process. (P)
2. Except where the requirements of the underlying Agricultural (A) zoning area more restrictive, any new development for school use shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) uses in Emerging Growth Areas. (P)
3. Within the recreational setback established in Proffered Condition 1.a., existing vegetation shall be supplemented, where necessary, with landscaping or other devices designed to achieve the buffering standards contained in Section 19-522(a)(2) of the Zoning Ordinance.

PROFFERED CONDITIONS

1. The following setback criteria shall apply to any outdoor play fields, courts, swimming pools and similar active recreational uses:
 - a. With the exception of playground areas which accommodate swings, jungle gyms or similar such facilities, all active play fields, courts of similar active recreational facilities which could accommodate organized sports such as football, soccer, basketball, etc., shall be located a minimum of 100 feet from any adjacent property.
 - b. Any playground areas shall be setback a minimum of forty (40) feet from all property lines. (P)
2. Prior to exceeding an enrollment of eighty (80) students, the following shall occur:
 - a. The existing access from the property to Courthouse Road shall be relocated towards the northern property line. The exact location of this access shall be approved by the Transportation Department.
 - b. Additional pavement shall be constructed along Courthouse Road at the approved access to provide a right turn lane. The developer shall dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for this road improvement. (T)

3. The freestanding sign identifying the school use shall be of a monument style and shall not exceed twenty-four (24) square feet in area and eight (8) feet in height. (P)

AYES: Messrs. Litton, Wilson, Gulley and Bass.
ABSENT Mr. Gecker.

04SN0243: In Bermuda Magisterial District, **TOKEN TOWER, LLC** requested revocation of an amendment to Conditional Use Planned Development (Case 03SN0283) and amendment of zoning district map which permitted a 540 foot communications tower in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general industrial use. This request lies on 12.5 acres at the eastern terminus of Station Road. Tax ID 792-685-5662 (Sheet 12).

Mr. John Cogbill, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend revocation of an amendment to Conditional Use Planned Development (Case 03SN0283), which permitted a 540-foot communications tower, for Case 04SN0243.

AYES: Messrs. Litton, Wilson, Gulley and Bass.
ABSENT Mr. Gecker.

04SN0245: In Bermuda Magisterial District, **CYCLE SYSTEMS, INC.** requested Conditional Use and amendment of zoning district map to permit modular building lease, sales and service. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial/mixed use corridor and light industrial use. This request lies in a General Industrial (I-2) District on 32.7 acres fronting approximately 260 feet on the west line of Jefferson Davis Highway, approximately 4,300 feet south of Forest Lake Road. Tax IDs 799-643-9686 and 799-644-6544 (Sheet 34).

Mr. Jim Theobald, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 04SN0245.

AYES: Messrs. Litton, Wilson, Gulley and Bass.
ABSENT Mr. Gecker.

04SN0246: In Bermuda Magisterial District, **RICHMOND AFFORDABLE HOUSING** requested rezoning and amendment of zoning district map from Multifamily Residential (R-MF) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies on

0.8 acre fronting approximately eighty-five (85) feet on the west line of Jefferson Davis Highway, approximately 350 feet north of Bensley Commons Boulevard. Tax ID 790-679-Part of 0705 (Sheet 18).

Ms. Karen Miller, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 04SN0246 and acceptance of the following proffered conditions:

PROFFERED CONDITION

Prior to any site plan approval or within 90 days of a written request by the County, whichever occurs first, an access easement acceptable to the Transportation Department shall be recorded from Jefferson Davis Highway to the adjacent property to the north (Tax ID 790-680-5316). (T)

AYES: Messrs. Litton, Wilson, Gulley and Bass.
ABSENT Mr. Gecker.

◆ **CODE AMENDMENTS RELATING TO:**

◆ **LIGHTING STANDARDS FOR NON-RESIDENTIAL USES IN AGRICULTURAL (A) AND RESIDENTIAL (R) DISTRICTS.**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by deleting Section 19-573 and adding Section 19-508.3 relating to exterior lighting. This Ordinance will address exterior lighting requirements for all uses except single family residential uses.

◆ ◆ ◆

Ms. Rogers presented an overview of the proposed Code Amendment and staff's recommendation.

No one came forward in support of, or in opposition to, the proposed Code Amendment.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to recommend approval of the following Code Amendment:

(1) *That Section 19-508.3 of the Code of the County of Chesterfield, 1997, as amended, be added and Section 19-573 be deleted to read as follows:*

Article VII. Development Standards Manual

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Division 1. Development Standards

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Subdivision 1. General Provisions – Countywide

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Sec. 19-508.3. Exterior lighting.

With the exception of single family residential uses, all exterior lights shall be arranged and installed so that the direct or reflected illumination does not exceed five-tenths foot candle above background, measured at the lot line of any adjoining A, R, R-TH, MH or R-MF district. Except in village districts where light standards may be required to be compatible with unique architectural styles or developments having ornamental pedestrian style lighting, lighting standards shall be of a directional type capable of shielding the light source from direct view from any adjoining A, R, R-TH, MH or R-MF district or public right-of-way.

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Division 3. Development Requirements - Office, Commercial And Industrial

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Subdivision 1. General Provisions, Development Requirements – Countywide

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Sec. 19-573. Exterior lighting.

~~All exterior lights shall be arranged and installed so that the direct or reflected illumination does not exceed five-tenths footcandle above background, measured at the lot line of any adjoining A, R, R-TH, MH or R-MF district. Except in village districts where light standards may be required to be compatible with unique architectural styles, lighting standards shall be of a directional type capable of shielding the light source from direct view from any adjoining A, R, R-TH, MH or R-MF district or public right of way.~~

(2) *That this ordinance become effective immediately upon adoption. (1923:65202.1)*

AYES: Messrs. Litton, Wilson, Gulley and Bass.
ABSENT Mr. Gecker.

◆ **MISCELLANEOUS ORDINANCE AMENDMENTS.**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting the following Sections:

1. Changes reflecting clarification, correction and minor changes:

- (a) **17-36** to delete the requirement for residential zoning prior to modifying existing subdivision lots with A zoning;
- (b) **19-65, 19-102, 19-107.1 and 19-301** to improve Ordinance formatting and clarity, yard sale restrictions are moved from definitions to restricted uses in R, R-TH and R-MF Districts;
- (c) **19-100** to clarify that the Board of Supervisors may grant permits for the location of manufactured homes in R-7 Districts;
- (d) **19-102** to clarify that a model home cannot be used as a rental office in R-TH Districts;
- (e) **19-144 and 19-145** to improve Ordinance formatting, commercial parking lots are moved from permitted to restricted uses in C-1 Districts;
- (f) **19-145** to codify an interpretation permitting micro-breweries as accessory to restaurants;
- (g) **19-159** to reformat standards for continuous outdoor display in C-3 Districts;
- (h) **19-172 and 19-173** to eliminate a duplicate listing of indoor recreation uses; to improve Ordinance formatting, drive in theaters and truck terminals are moved from permitted to restricted uses in C-5 Districts;
- (i) **19-181** to reformat standards for utility uses and temporary mobile homes and to clarify that permitted and restricted uses in C-1 Districts are restricted uses in I-1 Districts;
- (j) **19-227** to update the list of schools for which a nearby business needs a Conditional Use for the sale of alcoholic beverages due to school name changes and the demolition of a school;
- (k) **19-301** to codify an interpretation that defines dry cleaning plants;
- (l) **19-513** to reduce parking requirements for senior housing, assisted living, indoor sports field, warehousing, wholesale houses and distributors;
- (m) **19-514** to permit flexibility for parking/vehicle stacking at day care centers; and
- (n) **19-638** to correct spelling in standards relative to banners.

2. Changes to development standards

- (a) **17-2 and 17-46** increase standards for family subdivisions to minimize circumvention of the subdivision ordinance; require land to be owned by the family member for five (5) years prior to a family division; require land to be owned by the family member for five (5) years after a family division; require affidavits of intent; establish legal presumptions regarding violations; establish penalties, restrictions and corrective measures for violations of the family division process and require warning language on plats to alert future property owners of the family division restrictions;
- (b) **19-65, 19-66, 19-102, 19-103, 19-107.1, 19-108 and 19-301** to improve Ordinance formatting, home occupations are moved from accessory to restricted uses; dance studios, private clubs, trash collection and automotive repair are prohibited as home occupations; standards are moved from definitions to restricted uses in R, R-TH and R-MF Districts; and restrictions for customers, storage, vehicle parking and residency requirements are added;
- (c) **19-173** to permit utility truck and trailer sales, service and repair in addition to rental in C-5 Districts;
- (d) **19-181 and 19-185** to permit outdoor vehicle storage, accessory to warehouses, as a restricted use in I-1 Districts;

- (e) **19-301** to expand the amount of a building setback Variance that may be granted by the Director of Planning;
- (f) **19-555** to regulate setbacks for accessory buildings in R, R-TH, R-MF, MH and A Districts by building height rather than number of stories;
- (g) **19-637** to require signs on the interior of a building that are legible from outside to comply with same standards for window mounted; and
- (h) **19-650** to require a business that closes to remove the entire above ground sign structure within twelve (12) months of closing.



Mr. Poole presented an overview of the proposed Miscellaneous Ordinance Amendments and staff's recommendation. He further explained the changes reflected clarification, correction or miscellaneous amendments to the Ordinance sections.

There was discussion relative to the rationale for the proposed modifications, deferral of action on Sections 17-2 and 17-46, Subdivision definitions and plat requirements and Sections 19-181 and 19-185, Restricted uses and required conditions in I-1 Districts, to allow staff time to discuss those amendments with interested parties; and other concerns.

No one came forward to speak in favor of, or in opposition to, the proposed Amendments.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to defer action on Amendments 2(a) and 2(d) to the June 15, 2004, Planning Commission meeting and to recommend approval of the following Code Amendments:

(1) That Sections 17-36, 19-65, 19-66, 19-100, 19-102, 19-103, 19-107.1, 19-108, 19-144, 19-145, 19-159, 19-172, 19-173, 19-181, 19-227, 19-301, 19-513, 19-514, 19-555, 19-637, 19-638 and 19-650 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted to read as follows:

[Amendment 1. (a)]

Sec. 17-36. Recordation of subdivision plat prior to compliance with zoning ordinance prohibited.

(a) Except as noted in sub-section (b), ~~A~~ no plat for a lot subdivision shall be recorded unless the land is included within a residential, or townhouse residential zoning district, or is a residential use in a commercial zoning district as defined by chapter 19 of this Code.

(b) Lots within a subdivision that was previously recorded in an agricultural zoning district, may be resubdivided or amended provided no additional building lots are created.

[Amendment 1. (b)]

Sec. 19-65. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-88 District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

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- (c) Yard sales, ~~as accessory to a principal use,~~ provided that the sale:
 - (1) Is accessory to a principal use on the same property,
 - (2) ~~they do~~ Does not exceed two days in duration,
 - (3) Is conducted by the owner or lessee of the property on which it occurs and includes only personal property owned by the seller and usual to a household, and
 - (4) Does not occur on the same property more than four times in any one calendar year and not more than twice within a 30-day period.

Sec. 19-102. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-TH District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

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- (c) Yard sales, provided that the sale:
 - (1) Is accessory to a principal use on the same property,
 - (2) Does not exceed two days in duration,
 - (3) Is conducted by the owner or lessee of the property on which it occurs and includes only personal property owned by the seller and usual to a household, and
 - (4) Does not occur on the same property more than four times in any one calendar year and not more than twice within a 30-day period.

Sec. 19-107.1. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-MF District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

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(b) Yard sales, provided that the sale:

- (1) Is accessory to a principal use on the same property,
- (2) Does not exceed two days in duration,
- (3) Is conducted by the owner or lessee of the property on which it occurs and includes only personal property owned by the seller and usual to a household, and
- (4) Does not occur on the same property more than four times in any one calendar year and not more than twice within a 30-day period.

Section 19-301. Definitions

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Yard sale: A sale, ~~not more than two days in duration,~~ of personal property owned by the seller and usual to a household. ~~Such sale is conducted by the owner or lessee of the property on which it occurs. Such sale does not occur on the same property more than four times in any one calendar year and not more than twice within a 30-day period.~~ The word "yard sale" includes garage sale, lawn sale, attic sale, rummage sale, or any similar casual sale of tangible property which is advertised by any means whereby the public at large is or can be made aware of the sale.

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[Amendment 1. (c)]

Section 19-100. Manufactured homes prohibited except under certain conditions.

The board of supervisors may grant a permit, with or without conditions, for the ~~original~~ location of a temporary manufactured home in an R-7 District and the permit shall specify the location of such home on the premises and shall assure compliance with county health and sanitary requirements. The permit shall be valid for up to seven years. At the expiration of the time specified on the permit, an application may be made for renewal of the manufactured home permit.

[Amendment 1. (d)]

Sec. 19-102. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-TH District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

- (a) Model homes, provided that:
 - (1) In addition to its permanent use as a dwelling, such home may be used as a temporary real estate office

- (2) The temporary real estate office is only used to market the development in which the dwelling is located and:
 - a. Is not used for the sale of lots or houses outside of the platted subdivision in which it is located.
 - b. Is not used for the rental of homes outside of the platted subdivision in which it is located and/or
 - c. Is not used for a rental office for homes inside of the platted subdivision in which it is located except to market the homes when they are initially constructed
- (3) The temporary real estate office is incidental to construction activity taking place in the development.
- (4) The dwelling is not the primary real estate office for the company marketing the subdivision.
- (5) The dwelling is not used as a construction office or for the storage of construction equipment and/or materials.

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[Amendment 1. (e)]

Sec. 19-144. Permitted uses by right.

Within any C-1 District, no buildings, structures or premises shall be used, arranged or designed to be used except for one or more of the following uses:

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- ~~(j)~~ Commercial parking lots within the Ettrick Village Core.
- ~~(j)~~(l) Convenience store.
- ~~(k)~~(j) Drugstore/pharmacy.
- ~~(j)~~(k) Dry cleaning, pick-up and drop-off; coin-operated dry cleaning; pressing; laundry and laundromat; not to include dry cleaning plants.
- ~~(m)~~(l) Florist shop.
- ~~(n)~~(m) Grocery store.

- ~~(e)~~(n) Hardware store.
- ~~(p)~~(o) Nursery schools and child or adult care centers and kindergartens.
- ~~(e)~~(p) Offices.
- ~~(r)~~(q) Restaurants, not including fast food or carry-out restaurants.
- ~~(s)~~(r) Shoe repair shop.
- ~~(t)~~(s) Shopping centers.
- ~~(u)~~(t) Tailoring and dressmaking shops.
- ~~(v)~~(u) Massage clinics.
- ~~(w)~~(v) Underground utility uses when such uses are located in easements or in public road rights-of-way, except as provided in section 19-145(a).
- ~~(x)~~(w) Video rental and sales store.

Sec. 19-145. Uses permitted with certain restrictions.

The following uses shall be permitted in the C-1 District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to the provisions of section 19-13:

o o o

- (f) Commercial parking lots provided they are within the Ettrick Village Core.

[Amendment 1. (f)]

Sec. 19-145. Uses permitted with certain restrictions.

The following uses shall be permitted in the C-1 District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to the provisions of section 19-13:

o o o

- (g) Micro-breweries provided that:
 - (1) The use in accessory to a restaurant, and
 - (2) No odor or similar adverse impact from the use is evident on adjacent properties.

[Amendment 1. (g)]

Sec. 19-159. Uses permitted with certain restrictions.

The following uses shall be permitted in the C-3 District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to the provisions of section 19-13:

0 0 0

- (i) Continuous outside display of merchandise for sale, as accessory to a permitted use, provided that:
 - (1) merchandise shall be located under a covered pedestrian way that does not exceed 16 feet in width;
 - (2) no more than five percent of the gross floor area of the principal use shall be used for outside display purposes; and
 - (3) merchandise is displayed so that it does not obstruct pedestrian access.

0 0 0

[Amendment 1. (h)]

Sec. 19-172. Permitted uses by right.

Within any C-5 District, no buildings, structures or premises shall be used, arranged or designed to be used, except for one or more of the following uses:

0 0 0

- ~~(f) Recreational establishments, commercial indoor.~~
- ~~(g)(f)~~ Wholesale trade of any products permitted to be sold at retail in this district.

~~In addition to the above uses, within a C-5 District, which is located outside of the boundaries of the Eastern Midlothian Turnpike Corridor, no buildings, structures or premises shall be used, arranged or designed to be used, except for one or more of the following uses:~~

- ~~(h) Drive-in theaters.~~
- ~~(i) Truck terminals.~~

Sec. 19-173. Uses permitted with certain restrictions.

The following uses shall be permitted in the C-5 District, subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to the provisions of section 19-13:

0 0 0

- (u) Drive-in theaters, provided they are located outside of the boundaries of the Eastern Midlothian Turnpike Corridor.
- (v) Truck terminals, provided they are located outside of the boundaries of the Eastern Midlothian Turnpike Corridor.

[Amendment 1. (i)]

Sec. 19-181. Uses permitted with certain restrictions.

The following uses shall be permitted in the I-1 District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to the provisions of section 19-13:

0 0 0

- (b) Uses permitted by right and with restrictions in the C-1 District, artist material and supply stores, health clubs, messenger or telegraph services and office supply stores provided that:

0 0 0

- (d) Public and private utility uses, so long as they require a structure, to include all water and waste water pumping stations; electric, gas, communications and natural gas, liquefied petroleum gas (LPG) and petroleum products transmission facilities; in addition, natural gas, liquefied gas and petroleum products transmission facilities above and below ground, provided that all such uses which are visible from adjacent R, R-TH, R-MF or O Districts or properties zoned Agricultural (A) and shown on the comprehensive plan as residential or office uses shall be:
 - (1) enclosed within a structure having a style and character compatible with surrounding residential or office structures or
 - (2) ~~shall be~~ completely screened from view from such adjacent properties.

0 0 0

- (g) One temporary mobile home, provided that:
 - (1) a mobile home has been legally on the property within the past six months and
 - (2) the board of supervisors grants a mobile home permit to allow the use to continue.

[Amendment 1. (j)]

Section 19-227. Sale of alcoholic beverages near schools.

(a) Notwithstanding any provisions in this chapter to the contrary, a conditional use permit shall be required for all commercial establishments seeking to sell alcoholic beverages, as defined in Code of Virginia, § 4.1-100, for on-premises consumption, within 500 linear feet of a school that is owned or operated by the county and that is built after December 15, 1993.¹

¹This section does not apply to the following schools: Bailey Bridge Middle, Bellwood Elementary, Bensley Elementary, Bermuda Elementary, Beulah Elementary, L.C. Bird High, Bon Air Elementary (IDC), Bon Air (Primary) Elementary, ~~Carver Middle~~, Chalkley Elementary, Chester Middle, Chesterfield Community High, Chesterfield Technical, Clover Hill Elementary, Clover Hill High, Thelma Crenshaw Elementary, Crestwood Elementary, Curtis Elementary, A.M. Davis Elementary, Dupuy Elementary (Ettrick Annex), Ecoff Elementary, Enon Elementary, Ettrick Elementary, Evergreen Elementary, Falling Creek Elementary, Falling Creek Middle, Fulghum Center, O.B. Gates Elementary, W.W. Gordon Elementary, Grange Hall Elementary, Greenfield Elementary, Harrowgate Elementary, ~~O.J.~~ G. Henning Elementary, Hopkins Elementary, Jacobs Elementary, ~~Kingsland Elementary~~, Manchester High, Manchester ~~(High)~~ Middle, Matoaca Elementary, Old Matoaca High, Matoaca Middle, Meadowbrook High, Midlothian Elementary (Swift Creek Middle Annex), Midlothian Middle ~~(High)~~, Midlothian High, Monacan High, Perrymont Middle, Providence Elementary, Providence Middle, Reams Elementary, Robious Elementary, Robious Middle, Salem Elementary, Salem Middle, Alberta Smith Elementary, Swift Creek Elementary, Swift Creek Middle, Thomas Dale High, Union Branch Elementary, Union Grove Elementary, Vehicle Maintenance (Courthouse), Vehicle Maintenance (Walmsley), J.B. Watkins Elementary, C.C. Wells Elementary, Winterpock Elementary, Woolridge Elementary.

[Amendment 1. (k)]

Section 19-301. Definitions

0 0 0

Dry cleaning plant: A facility where clothes that have been dropped off at another location are taken for cleaning. After cleaning, the clothes are typically returned to the drop off point for customer pick-up.

0 0 0

[Amendment 1. (I)]

Sec. 19-513. Parking spaces required.

Except as provided for in section 19-608(a), the minimum number of parking spaces to be provided for each use shall be as follows:

<i>Use</i>	<i>Number of Spaces</i>
(a) Residential and Lodging:	
(1) <u>Except as noted in subsections 2 and 3, dwellings, to include single-family, two-family, multifamily, townhouses and manufactured homes outside of MH-1 zoning districts</u>	2 for each dwelling unit
(2) <u>Dwellings, multifamily restricted to "housing for older persons" as defined in the Virginia Fair Housing Law with no persons under 19 years of age domiciled therein.</u>	<u>1.2 spaces for each dwelling unit</u>
(3) <u>Dwellings, multifamily assisted living</u>	<u>0.8 spaces for each dwelling unit</u>
(2) (4) Motels, hotels, boardinghouses With lounges/restaurant With meeting facilities	1 per bedroom Add 1 per 150 square feet for such area Add 1 per 3 seats for such area
(3) (5) Rest homes and nursing homes	1 for each 4 beds
o o o	o o o
(e) Recreational:	
o o o	o o o
(7) <u>Indoor athletic fields without spectator seating</u>	<u>45 spaces for each field</u>
(7) (8) Other indoor commercial recreational facilities	1 for each 200 square feet of gross floor area
(8) (9) Go kart, bumper boats and similar facilities	1 for each 3 boats/karts that can be accommodated on the track/water at any one time
(9) (10) Sports/play fields	30 for each field

	0 0 0	0 0 0
(h) Business and Industrial:		
	0 0 0	0 0 0
(7) Warehousing, wholesaling houses and distributors		1 per employee, plus 1 per 1,000 <u>200</u> square feet of gross floor area <u>for front counter sales and stock area</u> , plus 1 per company vehicle (spaces to be computed on maximum numbers of employees on-site at any one time)
	0 0 0	0 0 0

[Amendment 1. (m)]

Sec. 19-514. Design standards for off-street parking.

0 0 0

(e) *Stacking lane requirements.* Stacking space shall be provided for any use having drive-through facilities or areas having drop-off and pick-up areas. Stacking spaces shall have a minimum length of 18 feet. Stacking spaces shall conform to the parking setback for the district in which the use is located. Stacking spaces shall be designed so as not to impede on- and off-site traffic movement or movement into and out of parking spaces. Stacking spaces shall be separated from other internal driveways with raised medians, as deemed necessary for traffic movement or safety, at the time of site plan review. Stacking spaces shall be provided as follows:

- 0 0 0
- (2) *Nursery schools and child and adult care centers:* Parking areas and driveways for nursery schools and child and adult care center activities shall be designed to provide an area for drop-off and pick-up. This area shall be connected to the main building by a sidewalk so that children need not to cross any driveway. Driveways, entrances and exits should be designed to maximize pedestrian safety.
- a. Where drop off and pick up is provided directly from vehicles, stacking space shall be provided.
 - b. Where drop off and pick up is not provided directly from vehicles, stacking space need not be provided if five (5) additional parking spaces are provided.
 - c. Further, i If school age children are cared for, a sidewalk shall be provided from the building to an approved school bus pick-up and drop-off area.

0 0 0

[Amendment 1. (n)]

Sec. 19-638. Banners.

Banners do not require sign permits and are allowed so long as:

o o o

- (b) A single banner not to exceed 50 square feet in area may be used to advertise a new business which has not installed ~~it's~~ its permanent signs, provided the banner is used for one time period not to exceed 30 consecutive days

o o o

[Amendment 2. (a) . . . Amendment under review by the Chesterfield Planning Commission]

[Amendment 2. (b)]

Sec. 19-65. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-88 District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

o o o

(d) Home occupation, provided that:

- (1) The use is conducted solely by one or more members of a family that live on the premises,
- (2) The use is within a dwelling, accessory structure or both provided that the total area for the use does not exceed 25% of the floor of the dwelling or 250 square feet, whichever is greater,
- (3) The use is clearly incidental and secondary to the use of the property for dwelling purposes and no external alterations, which would cause the premises to differ from its residential character by the use of colors, materials, lighting, or construction, are permitted. Additionally, no construction of additions or accessory structures for the operation of the home occupation is permitted,
- (4) No commodity is stored or sold on the premises except for light inventory that does not exceed 20 square feet and can be stored in a closet or cabinet,
- (5) No more than one vehicle (motor vehicle or trailer) used in conjunction with the home occupation is parked on the premises. No equipment shall be stored outside the dwelling or accessory structures that would indicate that a business is

being conducted on site except for equipment stored on the vehicle used in conjunction with the business. The vehicle and equipment for a home occupation shall be parked on the premises where the home occupation is conducted, and

- (6) No assembly or group instruction shall be permitted with a home occupation. Individual instruction on a one to one basis is permitted. Only one client may be on the property at any one time.

Sec. 19-66. Accessory uses, buildings and structure.

The following accessory uses, buildings and structures shall be permitted in the R-88 District:

o o o

- ~~(b)~~ Home occupations.
- ~~(c)~~(b) Tennis courts and similar recreational facilities.
- ~~(d)~~(c) Swimming pools and adjoining deck areas; provided that no swimming pool wall shall be located within six feet of an adjacent lot or parcel nor in a required front or corner side yard.
- ~~(e)~~(d) Temporary buildings or trailers devoted to purposes incidental to construction activities taking place on the premises; provided that such buildings or trailers shall be removed upon completion or abandonment of the work.
- ~~(f)~~(e) Signs.
- ~~(g)~~(f) Other accessory uses, buildings and structures not otherwise prohibited, customarily accessory and incidental to any permitted use.

Sec. 19-102. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-TH District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

o o o

- (d) Home occupation, provided that:
 - (1) The use is conducted solely by one or more members of a family that live on the premises,
 - (2) The use is within a dwelling, accessory structure or both provided that the total area for the use does not exceed 25% of the floor of the dwelling or 250 square feet, whichever is greater,

- (3) The use is clearly incidental and secondary to the use of the property for dwelling purposes and no external alterations, which would cause the premises to differ from its residential character by the use of colors, materials, lighting, or construction, are permitted. Additionally, no construction of additions or accessory structures for the operation of the home occupation is permitted.
- (4) No commodity is stored or sold on the premises except for light inventory that does not exceed 20 square feet and can be stored in a closet or cabinet.
- (5) No more than one vehicle (motor vehicle or trailer) used in conjunction with the home occupation is parked on the premises. No equipment shall be stored outside the dwelling or accessory structures that would indicate that a business is being conducted on site except for equipment stored on the vehicle used in conjunction with the business. The vehicle and equipment for a home occupation shall be parked on the premises where the home occupation is conducted, and
- (6) No assembly or group instruction shall be permitted with a home occupation. Individual instruction on a one to one basis is permitted. Only one client may be on the property at any one time.

Sec. 19-103. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the R-TH District:

o o o

- ~~(d)~~ Home occupations.
- ~~(e)~~(d) Temporary buildings or trailers devoted to purposes incidental to construction activities taking place on the premises; provided that such buildings and trailers shall be removed upon completion or abandonment of such work.
- ~~(f)~~(e) Buildings and structures devoted to maintenance and groundskeeping purposes and equipment storage.
- ~~(g)~~(f) Signs.
- ~~(h)~~(g) Other accessory uses, buildings and structures not otherwise prohibited, customarily accessory and incidental to any permitted use.

Sec. 19-107.1. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-MF District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

(c) Home occupation, provided that:

- (1) The use is conducted solely by one or more members of a family that live on the premises.
- (2) The use is within a dwelling, accessory structure or both provided that the total area for the use does not exceed 25% of the floor of the dwelling or 250 square feet, whichever is greater,
- (3) The use is clearly incidental and secondary to the use of the property for dwelling purposes and no external alterations, which would cause the premises to differ from its residential character by the use of colors, materials, lighting, or construction, are permitted. Additionally, no construction of additions or accessory structures for the operation of the home occupation is permitted,
- (4) No commodity is stored or sold on the premises except for light inventory that does not exceed 20 square feet and can be stored in a closet or cabinet,
- (5) No more than one vehicle (motor vehicle or trailer) used in conjunction with the home occupation is parked on the premises. No equipment shall be stored outside the dwelling or accessory structures that would indicate that a business is being conducted on site except for equipment stored on the vehicle used in conjunction with the business. The vehicle and equipment for a home occupation shall be parked on the premises where the home occupation is conducted, and
- (6) No assembly or group instruction shall be permitted with a home occupation. Individual instruction on a one to one basis is permitted. Only one client may be on the property at any one time.

Sec. 19-108. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the R-MF District:

- (a) Private garages, gardens, tool and storage buildings. No shipping containers, trailers, vehicle bodies or similar containers shall be used for these purposes.
- ~~(b)~~ ~~Home occupations.~~
- ~~(c)~~(b) Recreational facilities as required for the project and that primarily serve the surrounding residential community.
- ~~(d)~~(c) Management office and maintenance buildings for the project.

- ~~(e)~~(d) Temporary buildings or trailers devoted to purposes incidental to construction activities taking place on the premises; provided that such buildings or trailers shall be removed upon completion or abandonment of such work.
- ~~(f)~~(e) Signs.
- ~~(g)~~(f) Other accessory uses, buildings and structures not otherwise prohibited, customarily accessory and incidental to any permitted use.

Section 19-301. Definitions

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Home occupation: Any occupation, profession, enterprise or activity conducted solely by one or more members of a family living on the premises which is incidental and secondary to the use of the premises as a dwelling, including but not limited to the home office of a member of a recognized or licensed profession, such as an attorney, physician, dentist, certified massage therapist as defined in County Code § 15-91, musician, artist, real estate salesperson or broker, or engineer ~~; provided that:~~ .

- ~~(1) Not more than the equivalent area of one quarter of one floor shall be used for such purpose;~~
- ~~(2) Such occupation shall not require external alterations;~~
- ~~(3) No commodity is stored or sold, except those made on the premises;~~
- ~~(4) There shall be no group instruction, assembly or activity, and no display that will indicate from the exterior that the building is being used in part for any purpose other than that of a dwelling; and~~
- ~~(5) Only one motor vehicle used in conjunction with the home occupation is parked on the premises.~~

Permitted home occupations shall not include animal hospitals or kennels, beauty parlors, barbershops, dance studios, motor vehicle repair, motor vehicle towing, motor vehicle painting or body work, motor vehicle detailing, nursing homes, convalescent homes, rest homes, private clubs, tourist homes, trash collection or similar establishments offering services to the general public.

0 0 0

[Amendment 2. (c)]

Sec. 19-173. Uses permitted with certain restrictions.

The following uses shall be permitted in the C-5 District, subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to the provisions of section 19-13:

0 0 0

- (t) Utility trailer and truck sales, service, repair and rental, provided that such use is not located in the Eastern Midlothian Turnpike Corridor.

[Amendment 2. (d) . . . Amendment under review by the Chesterfield Planning Commission]

[Amendment 2. (e)]

Sec. 19-301. Definitions.

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Variance, administrative: A variance from any building setback requirement which may be granted by the director of planning with the following restrictions:

- ~~(1)~~ ~~The amount of the variance shall be limited to a maximum of ten feet or 50 percent of the required setback, whichever is greater, and~~
- ~~(2)~~(1) The director of planning must find in writing that:
 - (a) The strict application of the ordinance requirement would produce undue hardship;
 - (b) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
 - (c) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by granting the variance.

0 0 0

[Amendment 2. (f)]

Sec. 19-555. Required yards for accessory buildings and structures in R, R-TH, MH and A Districts.

Except as indicated in this section, the yard requirements for permitted uses shall apply to the accessory buildings and structures.

- (1) In R, MH-2 and A Districts and in R-TH Districts identified in section 19-106, ~~one-story~~ detached accessory buildings less than 12 feet in height, accessory structures which have a roof or any structures specified in section 19-507(f) except amateur radio antennas in excess of 50 feet in height shall observe a side yard setback not less than half the required side yard for a permitted use; a front yard setback of the lesser of half the average depth of the lot or 80 feet; and a rear yard setback of not less than ten feet; except that an accessory building or structure which as a roof located on a through lot shall meet a rear

yard setback of not less than 30 feet and an accessory building or structure which has a roof located on a corner lot shall observe a corner side yard setback not less than the required front yard setback for a permitted use.

0 0 0

- (3) In R, MH-2 and A Districts and lots in R-TH Districts identified in section 19-106, a detached accessory building having ~~more than one story~~ a height of 12 feet or greater shall observe an interior side yard not less than the side yard required ~~of the~~ for a permitted use; a rear yard setback of not less than half the required rear yard for a permitted use, except that a building located on a through lot shall meet a rear yard setback of not less than 30 feet; a corner side yard setback of not less than the front yard requirement for a permitted use; and a front yard setback the lesser of half ~~of the average lot depth of the lot~~ or 80 feet.

0 0 0

[Amendment 2. (g)]

Sec. 19-637. Limitation on specific signs.

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- (q) Signs attached to, or visible through, doors or windows that are legible from outside the building shall not exceed 15 square feet or 25 percent of the total window and door area located on any one face of the building, whichever is less. Further, signs ~~in~~ which are mounted on doors or windows shall be located within the top half of the door or window.

0 0 0

[Amendment 2. (h)]

Sec. 19-650. Nonconforming and illegal signs.

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- (h) A business that has closed shall be required to remove any onsite or offsite signs, including all structural elements down to the ground level, associated with the business within 12 months of the date the business closed.

0 0 0

- (2) *That this ordinance become effective immediately upon adoption.* (1923:65191.1-Revised 05/19/04 10:15 AM)

AYES: Messrs. Litton, Wilson, Gulley and Bass.
ABSENT: Mr. Gecker.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

Mr. Jacobson recalled Case 04SN0223, Randolph V. Artis.

04SN0223: In Bermuda Magisterial District, **RANDOLPH V. ARTIS** requested Conditional Use and amendment of zoning district map to permit a family daycare home in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 units per acre. This request lies on 4.7 acres and is known as 13710 Harrowgate Road. Tax ID 790-644-9659 (Sheet 34).

Ms. Orr presented an overview of the request and staff's recommendation.

Mr. Randolph Artis, the applicant, accepted staff's recommendation.

Mr. Litton opened the discussion for public comment.

Ms. Elsie Harris, Ms. Robin Sizemore, Ms. Tammy Borens and Ms. Catherine Adams, area residents and/or members of the child care community, voiced support for the request, citing a need for a family day care home service in the area and noting that the use would not adversely impact the community.

Ms. Mary Reynolds, an area resident, voiced opposition to the request, noting the proposed use was inappropriate for the area and would encroach on existing area residential development. She asked that the current zoning not be changed so as to maintain the integrity of the area.

There being no one else to speak, Mr. Litton closed the public comment.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 04SN0223, subject to the following conditions:

CONDITIONS

1. This Conditional Use shall be granted to and for Mr. and Mrs. Randolph V. Artis, exclusively, and shall not be transferable nor run with the land. (P)
2. There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
3. There shall be no signs permitted to identify this use. (P)

AYES: Messrs. Litton, Wilson, Gulley and Bass.

ABSENT: Mr. Gecker.

04SN0205: In Matoaca Magisterial District, **THEODORE BALSAMO** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is

appropriate for single family residential use of 2.0 units per acre or less. This request lies on 138.7 acres fronting approximately 2,300 feet on the south line of Genito Road approximately 770 feet west of Mt. Hermon Road. Tax IDs 699-690-5223, 700-688-4363 and 701-689-Part of 1119 (Sheet 8).

Ms. Orr presented an overview of the request and staff's recommendation for approval subject to the applicant addressing the impact of this development on capital facilities in accordance with the Board of Supervisors' Policy.

Mr. Andy Scherzer, the applicant's representative, stated the proposal was compatible with development in the immediate area; provided extensive road improvements, a trail system, pedestrian access, future street access to the west of the property; adhered to the water quality requirements of the Upper Swift Creek Plan; and would be a first class, quality development.

Mr. Litton opened the discussion for public comment.

Mr. Kirk Johnson, Ms. Kitty Snow, Mr. Paul Strehler, Mr. Bruce Moseley, Ms. Beverly Barbee, Mr. Peter Martin, Ms. Julie Bergeron, Ms. Kathy Kirk, Mr. Ted Lushch, Mr. N. H. Wooding, Jr., Mr. Phil Halsey, Ms. Betty Hunter-Clapp and Mr. David Walker, area residents and members of community associations and/or environmental groups, voiced opposition to the request, citing concerns relative to lack of sufficient public facilities (water and sewer) to accommodate the development; cash proffers being insufficient to pay for additional future infrastructures to serve the property; substandard and deteriorating road conditions without sufficient current and/or future funding to accommodate maintenance, repair or replacement; adverse impact to environmental and ecological elements; maintaining the rural character and integrity of the community; and other concerns.

Mr. Litton left the meeting at approximately 8:50 p. m.

The Commission recessed at approximately 9:02 p. m.

The Commission reconvened at approximately 9:10 p. m.

Ms. Jenna Barbee, an area resident and Clover Hill High School student, voiced opposition to the request, citing concerns relative to the need for improvements to the roadway network, traffic congestion, overcrowded schools and the potential destruction of the natural habitats of native animals in the area.

Ms. Marlene Durfee, Executive Director of the Task Force for Responsible Growth, voiced opposition to the request; explained the purpose and scope of the Task Force; urged the Commission to consider the concerns and interest of County citizens to be primary and of the utmost importance; and asked the Commission to deny the request.

Mr. Litton returned to the meeting at approximately 9:26 p. m.

In rebuttal, Mr. Scherzer reiterated his client's commitment to development of a quality project and asked the Commission to consider a favorable recommendation on the request.

There being no one else to speak, Mr. Litton closed the public comment at approximately 9:31 p. m.

In response to questions from the Commission, staff addressed concerns and answered questions relative to relief for overcrowded schools; improvements and funding for road improvements; levels of service on area roads; fire and emergency services and response times; and other issues.

Mr. Bass stated he disagreed with staff's recommendation and did not favor approval of the request until such time as sufficient public facilities and the appropriate infrastructure were in place to accommodate the increased traffic and development that would be generated by this project.

Mr. Bass made a motion, seconded by Mr. Gulley, to deny Case 04SN0205.

Mr. Gulley stated he disagreed with staff that the request was in compliance with the Upper Swift Creek Plan; felt that approval of the request would only serve to exacerbate an existing appalling situation; that he agreed with the various speakers relative to the lack of sufficient infrastructure and/or road improvement funding to accommodate the development; and that he supported denial of the request based on health, safety and welfare concerns, specifically those related to roads and fire/emergency services response times.

AYES: Messrs. Gulley and Bass.
NAYS: Messrs. Litton and Wilson.
ABSENT: Mr. Gecker.

The motion failed due to a lack of a majority vote.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission, due to a lack of a majority vote on a recommendation, carried forward Case 04SN0205 to the 7:00 p. m. Session at the June 15, 2004, Planning Commission public hearing.

AYES: Messrs. ~~Gecker~~, Litton, Wilson, Gulley and Bass.
ABSENT: Mr. Gecker.

04SN0226: In Dale Magisterial District, **WINDSOR PROPERTIES** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for community mixed use. This request lies on 7.6 acres at the western terminus of Mistyhill Road. Tax ID 775-679-Part of 6282 (Sheet 17).

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land use did not conform to the Central Area Plan and failed to provide appropriate transitions. She referenced an Addendum indicating the applicant had submitted a proffered condition addressing garage door orientation to address concerns expressed by area residents and noted a recent change to the restrictive covenants to address the County Attorney's office concerns.

Mr. Andy Scherzer, the applicant's representative, did not accept staff's recommendation, stating area residents supported the proposed use and accompanying proffered conditions.

No one came forward to speak in favor of, or in opposition to, the request.

There was discussion relative to the type of transitional use that would occur on the C-3 property adjacent to area residents; if there would development of apartments; access other than Misty Hill Road; frontage along Route 10; and other concerns.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 04SN0226 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Public water and wastewater shall be used. (U)
2. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:
 - A. \$9,000.00 per dwelling unit, if paid prior to July 1, 2004; or
 - B. The amount approved by the Board of Supervisors not to exceed \$9,000.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2004.
 - C. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
3. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
4. The minimum gross floor area for dwelling units shall be 2000 square feet. (P)
5. All exposed portions of the foundation of each dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (P)
6. A maximum of nineteen (19) lots shall be permitted on the property. (P)
7. All lots shall have sole access from Misty Hill Road, through Irongate Subdivision, Section 4. (T)
8. The minimum average lot size shall be 16,400 square feet. (P)
9. The following shall be recorded as deed restrictions in conjunction with the recordation of any subdivision plat:

- a. The Architectural Board shall have exclusive jurisdiction over all original construction, modifications, additions or alterations made on or to all existing improvements, and the open space, if any, appurtenant thereto on all property. It shall prepare standards and promulgate design and development guidelines and application and review procedures. The standards shall incorporate all restrictions and guidelines relating to development and construction contained in this Declaration as well as restrictions and guidelines with respect to location of structures upon property, size of structures, driveway and parking requirements, foundations and length of structures, and landscaping requirements. Copies shall be available from the Architectural Board for review. The guidelines and procedures shall be those of the Architectural Board and they shall have sole and full authority to prepare and to amend the standards available to Owners, builders, and developers who seek to engage in development of or construction upon property within their operations strictly in accordance therewith. The Architectural Board shall consist of three (3) persons; initial board members shall be Greg Simmons, Jim Baker, and Don Balzer. At such times as fifty percent (50%) of all property within the subject property has been developed, improved, and conveyed to purchasers in the normal course of development and sale, one (1) Board members shall be replaced by a new resident of said development. At such time as one hundred percent (100%) of all property has been developed, improved, and conveyed to purchasers in the normal course of development and sale, shall thereafter determine among themselves the members of the Architectural Board.
- b. No lot shown on a plat of subdivision of the Property shall be used except for single-family residential purposes and for purposes incidental thereto, except for model homes utilized by builder. Only one residence shall be constructed on a Lot; provided, however that outbuildings and other improvements may be constructed if approved by the Board as hereinbefore provided.
- c. No sign of any kind shall be displayed to the public view on any Lot except one sign of not more than six square feet advertising the Lot for sale or signs used by a builder to advertise the Lot during the construction and sale period.
- d. No structure of a temporary character, trailer, tent, shack, garage, or other outbuilding shall be used at any time as a residence either temporarily or permanently.
- e. No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except that dogs, cats and other household pets may be kept, provided: (i) they are not raised, bred or kept for commercial purposes, and (ii) they shall not become an annoyance or nuisance to other Lot owners.
- f. No obnoxious or offensive activity shall be carried on or allowed upon any portion of the Property, nor shall anything be done thereon that may be or become a nuisance or any annoyance.
- g. No Lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers maintained in a neat and orderly manner. All incinerators or other equipment for the storage

or disposal of such materials shall be kept in a clean and sanitary condition in rear yards only.

- h. No Lot may be subdivided, altered or modified except as provided on the subdivision plat(s) recorded and to be recorded in connection with the development of the Property except that if no Lots shown on any such plat have been sold, the Owner may modify same by duly recorded instrument.
- i. Each Lot shall be maintained free of tall grass, undergrowth, dead trees, and weeds, and, generally, free of any condition that would decrease the attractiveness of the Property with the exception of areas deemed to be wetlands and/or RPA.
- j. No temporary or above ground swimming pools in excess of 100 square feet shall be permitted on the Property.
- k. No more than two unrelated persons shall occupy any dwelling on a Lot other than temporary guests.
- l. All driveways and set-back lines shall be subject to the approval of the Board.
- m. All exposed foundations of single-family residences constructed on the Property shall be of brick, stone, veneer or stucco.
- n. The color of all improvements on the Property shall be subject to the approval of the Board.
- o. Easements for utilities and drainage are reserved as shown on the plat and the right is reserved to owner or owners, their successors and assigns, to establish and grant any additional easements along any streets, avenues or drives for the purpose of furnishing utilities in or through said subdivision.
- p. No fence of any kind shall be erected on any Lot in the area between the front building set-back line, and the front building set-back line, and the front street line and each must be approved by the Board as to material and design.
- q. Except as otherwise provided by applicable law and unless approved by the Board, no antenna, aerial or device of any kind used for the purpose of transmitting or receiving radio, television, microwave or satellite signals shall be placed or erected on any lot, or on the exterior of any structure or house.
- r. Any of the provisions of these restrictions may be modified or waived at any time by a majority of the Owners of the Lots recorded in this subdivision.

10. Manufactured homes shall not be permitted. (P)

11. A maximum of eight (8) dwelling units shall be permitted to have front loaded garages. (P)

AYES: Messrs. Litton and Wilson.

NAYS: Messrs. Gulley and Bass.

ABSENT: Mr. Gecker.

The motion failed for lack of a majority vote.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission, due to a lack of a majority vote on a recommendation, carried forward Case 04SN0226 to the 3:00 p. m. Afternoon Session at the June 15, 2004, Planning Commission meeting.

AYES: Messrs. Litton, Gulley, Wilson and Bass.

ABSENT: Mr. Gecker.

03SN0316: (Amended) In Midlothian Magisterial District, **JAMES DORAN CO.** requested rezoning and amendment of zoning district map from Agricultural (A), Community Business (C-3) and General Business (C-5) to Community Business (C-3) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for suburban commercial, planned transitional and village fringe uses. This request lies on 34.5 acres fronting approximately 1,400 feet on the north line of Midlothian Turnpike approximately 400 feet west of Winterfield Road, also fronting approximately 1,040 feet on the west line of Winterfield Road approximately 500 feet north of Midlothian Turnpike. Tax IDs 724-709-2311, 2528, 4210, 5831, 6911, 7661 and 9121; and 725-709-1125 and 7635 (Sheet 5).

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting the proffered conditions did not adequately address the impacts of the development on necessary capital facilities; and the requested sign exceptions represented a substantial increase in allowable signage, which could result in a potential for additional sign proliferation in the area.

Mr. William Shewmake, the applicant's representative, did not accept staff's recommendation. He briefly described the proposed project, introduced Messrs. Scott Parker, Alex Paulson and Shane Doran who were associated with the project; addressed concerns relative to the impact of the development on schools and signs; and, noting area residents supported the proposed use, asked the Commission to consider a favorable recommendation.

Mr. Litton left the meeting at approximately 10:16 p. m.

Mr. Litton returned to the meeting at approximately 10:19 p. m.

Mr. Gulley cautioned Mr. Shewmake concerning the late submittal of proffered conditions, conveying Mr. Gecker's concerns and noting that had Mr. Gecker been present, the request would have most likely been deferred.

Messrs. Scott Parker, architect for the project and Shane Doran, Senior Vice President of James Doran, Co., exhibited a pictorial depicting the proposed life-style development; expressed appreciation for the support of area residents and organizations; and requested the Commission consider a favorable recommendation.

Mr. Litton opened the discussion for public comment.

Ms. Amy Satterfield, Ms. Susan Bernardo, Mr. Pepe Jones and Mr. Ed Gambacini voiced support for the request, noting the development set a standard for quality development in the area and asked the Commission to consider a favorable recommendation.

Mr. Brian Buniva, an attorney representing Mr. William Knabe, an adjacent property owner, voiced opposition to the request, expressing concerns that his client had been treated unfairly by the applicant and asked that the request be deferred based on the applicant's late submittal of proffered conditions and the absence of the Commissioner in whose district the request was located.

In rebuttal, Mr. Shewmake stated Mr. Knabe had been unwilling to negotiate a fair financial compromise with his client and their discussions reached an impasse; however, his client was willing to continue working to reach a resolution. He pointed out the proposed use was a low intensity use; the applicant was willing to provide a buffer that would more than adequately screen Mr. Knabe's property; and asked the Commission to consider a favorable recommendation.

There being no one else to speak, Mr. Litton closed the public comment at approximately 11:07 p. m.

Mr. Gulley stated that Mr. Gecker had conveyed to him that he felt all the issues had been resolved to his satisfaction and felt a recommendation for approval was appropriate.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 03SN0315, subject to the following conditions and acceptance of the following proffered conditions, including the Addendum:

CONDITIONS

1. The Textual Statement dated 4/8/04 as revised 4/9/04 shall be considered the Master Plan. (P)
2. Except as outlined in the Textual Statement, where the standards outlined in Exhibit A conflict with the standards of the Zoning Ordinance the more strict or higher standards shall apply. (P)

PROFFERED CONDITIONS

1. Public water and wastewater. The public water and wastewater systems shall be used. (U)
2. Tenant size. With the exception of one tenant, no tenant shall exceed 50,000 square feet of gross floor area. Provided further, in no event shall a tenant exceed 68,000 square feet of gross floor area. (P)
3. Access Easement. Prior to any site plan approval, an access easement acceptable to the Chesterfield ("Transportation Department") shall be recorded from Winterfield Road and/or from Midlothian Turnpike as determined by the Transportation Department, across the

property to permit vehicular and pedestrian access to the Knabe parcel identified as Tax ID 725-709-7211. (T)

4. Access Winterfield. Direct access from the property to Winterfield Road shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. (T)
5. Access Midlothian Turnpike. Direct access from the property to Midlothian Turnpike shall be limited to three (3) entrances/exits. The easternmost access shall be located towards the eastern property line, and shall be limited to right-turns-in and right-turns-out only. The middle access shall align the existing crossover on Midlothian Turnpike located approximately 900 feet west of the Winterfield Road/LeGordon Drive intersection, and shall be limited to left and right-turns-in and right-turns-out only. The westernmost access shall be located at the western property line, and shall generally align the existing crossover on Midlothian Turnpike located approximately 1,700 feet west of the Winterfield Road/Le Gordon Drive intersection. The exact location of these accesses shall be approved by the Transportation Department. (T)
6. Timbering Restriction. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
7. Burning Ban. The developer shall not use burning to clear or timber the subject properties. (F)
8. Transportation Improvements. To provide an adequate roadway system at the time of complete development, the Developer shall be responsible for the following improvements. The exact length and design of the following improvements shall be approved by the Transportation Department:
 - a. Construction of additional pavement along the westbound lanes of Midlothian Turnpike at both the middle and westernmost access to Midlothian Turnpike, and at the Winterfield Road intersection to provide separate right turn lanes.
 - b. Construction of additional pavement along the eastbound lanes of Midlothian Turnpike at the existing crossover that serves the westernmost access to provide adequate dual left turn lanes.
 - c. Construction of additional pavement along the eastbound lanes of Midlothian Turnpike at the existing crossover that serves the middle access to provide an adequate left turn lane.
 - d. Construction of a large raised median in the middle access onto Midlothian Turnpike to restrict left turns out of the property.

- e. Construction of an additional westbound lane of pavement along Midlothian Turnpike from Winterfield Road, across the property, to the western property line.
 - f. Construction of a six (6) lane divided typical section (i.e., two (2) northbound lanes and four (4) southbound lanes) for the westernmost access at its intersection with Midlothian Turnpike.
 - g. Construction of a four (4) lane typical section (i.e., one (1) northbound lane and three (3) southbound lanes) for Winterfield Road at its intersection with Midlothian Turnpike.
 - h. Construction of a traffic island/circle in Winterfield Road at the approved access, if approved by the Transportation Department and VDOT. In the event a traffic island/circle is not approved for the Winterfield Road access, additional pavement shall be constructed along Winterfield Road at the approved access to provide left and right turn lanes.
 - i. Relocation of the ditch to provide an adequate shoulder along the west side of Winterfield Road for the entire property frontage.
 - j. Full cost of traffic signalization of the westernmost site access/Midlothian Turnpike intersection and full cost of traffic signal modification at the Winterfield Road/Le Gordon Drive/Midlothian Turnpike intersection, if warranted as determined by the Transportation Department.
 - k. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement identified above, except for the right-of-way along Winterfield Road that is required from the Knabe parcel identified as Tax I.D. 725-709-7211 adjacent to any existing dwelling, and generally in an area from Midlothian Turnpike north for a distance of approximately 200 feet (the "Area"), the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall only be required to provide road improvement within available right-of-way as determined by the Transportation Department. The developer shall not be relieved of providing the right-of-way or road improvements within the Area along Winterfield Road. (T)
9. Phasing. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 8 shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require, among other things, that in conjunction with any development with sole access to Winterfield Road, all the road improvements along Winterfield Road and the right turn lane along Midlothian Turnpike at the Winterfield Road intersection as identified in Proffered Conditions 8.a., g.,

h., i. and j. shall be completed as determined by the Transportation Department except to the extent the County chooses not to assist in the acquisition of "off-site" right-of-way as set forth in 8(k); and in conjunction with any development with access to Midlothian Turnpike, all road improvements as identified in Proffered Condition 8 shall be completed as determined by the Transportation Department except to the extent the County chooses not to assist in the acquisition of "off-site" right-of-way as set forth in 8(k). (T)

10. Prior to any site plan approval, thirty-five (35) feet of right-of-way along the west side of Winterfield Road, measured from the centerline of that part of Winterfield Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of the County. (T)
11. Prior to any site plan approval, a plan with sufficient design information, as determined by the Transportation Department, for the improvement of Winterfield road north to the Southern Railroad crossing on Winterfield Road in the same general location as the current railroad crossing shall be submitted to and approved by the Transportation Department, and any additional right of way, based on the approved plan, shall be dedicated, free and unrestricted, to and for the benefit of the County. (T)
12. The maximum density of the development shall be 300,000 square feet of shopping Center, 10,000 square feet of general office, 18,000 square feet of high turnover (sit-Down) restaurant and 251 apartment units, or equivalent densities as approved by the Transportation Department. (T)
13. Residential density. There shall be a maximum of two hundred fifty-one (251) dwelling units. Provided further, a maximum of ten (10) of those dwelling units may contain more than two (2) bedrooms, but in no event shall any dwelling unit contain more than three (3) bedrooms. (P)
14. Cash proffers. Except and unless otherwise provided herein, the applicant, subdivider or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of dwellings building permit for infrastructure improvements within the service district for the property:
 - a. \$5,025 per dwelling unit, if paid prior to July 1, 2003; or
 - b. The amount approved by the Board of Supervisors not to exceed \$5,025 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2002, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003. At the time of payment, the \$5,025 will be allocated pro-rata among the facility costs as follows: \$3,547 for transportation, \$598 for parks and recreation, \$324 for libraries, \$346 for fire stations, and \$210 for schools.
 - c. To the extent the cash payment is not used for the purpose for which proffered within 15 years of receipt, the unused cash shall be returned in full to the payor. (B and M)

15. Architectural treatment. The architectural treatment of the buildings shall be compatible and consistent with the graphic identified as Exhibit A. (P)
16. Design Guidelines. The site shall be designed as generally depicted on Exhibit C and in accordance with Exhibit A. However, the exact location of buildings and parking may be modified provided that the general intent of the plan is maintained with respect to creating a pedestrian environment centered around a main street as described in Proffered Condition 21; buildings "fronting" Midlothian Turnpike and Winterfield Road with no parking or driveways located between the buildings and the roads; uses having a focal point centered around the pond described in Proffered Condition 12; and landscaping in a manner that enhances the pedestrian environment. Commercial buildings adjacent to Midlothian Turnpike and Winterfield Road shall have a traditional storefront design with display windows. (P)

(STAFF NOTE: COPIES OF THE DESIGN GUIDELINES ARE AVAILABLE IN THE PLANNING DEPARTMENT.)

17. Pond. To the extent allowed by law and governmental regulations, the existing pond located on Tax IDs 724-709-7661 and 725-709-1125 shall substantially remain and shall be incorporated into the development as an aesthetic amenity. Provided, however, this does not prohibit the redesign or reconfiguration of the pond so long as the pond substantially remains in tact and is used as an aesthetic amenity. (EE)
18. Perimeter non-residential buildings. All non-residential buildings on the perimeter of the project along Winterfield Road and Midlothian Turnpike shall be no more than two and one half stories and shall be designed and constructed consistent with a pedestrian scale development. (P)
19. Dwelling units. Any dwelling units shall be located generally east of the pond located on Tax IDs 724-709-7661 and 725-709-1125 as generally depicted on Exhibit C. Any residential building on the perimeter of the project along Winterfield Road shall be a maximum of two (2) stories for any portion of the building that is within ninety-five (95) feet of the centerline of Winterfield Road. Provided, further, in no event shall any residential building exceed three (3) stories. (P)
20. Clubhouse and pool. Prior to the certificate of occupancy for more than one hundred (100) dwelling units, a clubhouse shall be constructed that shall contain a minimum of five thousand (5,000) gross square feet. Provided further, any sales office within the clubhouse shall not exceed twenty-five (25) percent of the clubhouse's gross square footage. (P)
21. Sidewalks. Sidewalks, and crosswalks where necessary, shall be constructed along the west side of Winterfield Road and north side of Midlothian Turnpike for the entire length of the subject properties adjacent to such roads. If located within the VDOT right of way, the sidewalks and crosswalks shall be constructed to required VDOT standards and materials. Sidewalks shall be a minimum of five (5) feet in width and, if located outside of the right of

way, constructed of decorative materials. There also shall be an internal system of sidewalks and crosswalks in the development constructed of decorative materials. Street Trees shall be planted adjacent to Midlothian Turnpike and Winterfield Road. (P & T)

22. Lighting. Along the perimeter of the development adjacent to Winterfield Road and Midlothian Turnpike, pedestrian scale light fixtures shall be installed with a design consistent with the Midlothian Village Guidelines and spaced as may be approved at time of site plan review. The project shall also have an internal system of outdoor lighting, consistent with the pedestrian scale of the development, except as may be approved at time of site plan review. (P)
23. Prohibited Uses and Restrictions West of the Pond. Automobile dealerships, funeral homes or mortuaries, and hospitals shall be prohibited. Uses adjacent to the western side of the pond as generally depicted on Exhibit C shall be limited to restaurant limited to restaurant, cocktail lounges and nightclubs. (P)
24. Winterfield Entrance Uses East of the Pond. Uses east of the pond as generally depicted on Exhibit C shall be limited to those uses permitted by right or with restrictions in the O-2 and C-2 Districts, except as further allowed or restricted herein. Fast food restaurants shall be permitted except there shall be no drive-thru. Further, the first floor of that portion of the building adjacent to and fronting the north side of the Winterfield Road entrance shall be limited to those uses permitted by right or with restrictions in the C-2 District. Provided further, that portion of the building fronting the Winterfield Road entrance shall contain at least two stories and the floors above the first story shall be limited to those uses permitted by right or with restrictions in the R-MF District. The remaining portion of the property north of the Winterfield Road entrance shall be restricted to those uses permitted by right or with restrictions in the R-MF District. (P)
25. Main Street. The center entrance into the development from Midlothian Turnpike shall be designed as a "main street." To accomplish this, the design of the main street shall include:
 - a. A two (2) drive lane street section with two (2) angled parking lanes, starting an adequate distance from Midlothian Turnpike, as determined by the Transportation Department.
 - b. Sidewalks measuring twelve (12) to fifteen (15) feet in width on each side of the street.
 - c. Street trees on each side of the street spaced approximately thirty (30) feet on center.
 - d. Pedestrian scale ornamental street lights located between the street trees.
 - e. A minimum of 20,000 square foot "village green" area designed to serve as a gathering place alongside the main street and located at a strong pedestrian node.

- f. The stores fronting the main street, which are generally parallel to the main street, shall have a traditional store front design with display windows and pedestrian awnings. (P)

AYES: Messrs. Litton, Wilson, Gulley and Bass.
ABSENT: Mr. Gecker.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Wilson, seconded by Mr. Gulley, that the meeting adjourned at approximately 11:14 p. m. to June 15, 2004, at 12:00 Noon in the Executive Session Meeting Room of the Chesterfield County Government Complex.

AYES: Messrs. Litton, Wilson, Gulley and Bass.
ABSENT: Mr. Gecker.

Chairman/Date

Secretary/Date